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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,947	12/26/2001	Hsuan-Yin Lan-Hargest	12938-003002	8464

26171 7590 09/23/2003

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WASHINGTON, DC 20005-3500

EXAMINER

ZUCKER, PAUL A

ART UNIT	PAPER NUMBER
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1621

DATE MAILED: 09/23/2003

21

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicant(s)

10/025,947

Applicant(s)

LAN-HARGEST ET AL.

Examiner

Paul A. Zucker

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,7,8,12,13,16,17,22,25,26 and 80-101 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,7,8,12,13,16,17,22,25,26 and 80-101 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-79 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Current Status

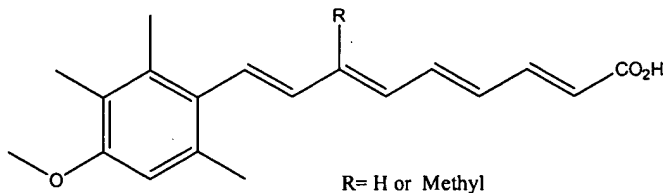
1. This action is responsive to Applicants' amendment of 22 May 2003 in Paper No 19.
2. Receipt and entry of Applicants' amendment is acknowledged.
3. Applicant's cancellation of claims 6, 9-11, 14-15, 18-21, 23-24 and 27-79 is acknowledged.
4. Applicant's addition of new claims 81-101 is acknowledged.
5. Claims 1-5, 7-8, 12-13, 16-17, 22, 25-26 and 80-101 remain pending.
6. The rejections under 35 USC § 102 (b) set forth in paragraphs 11 and 12 of the previous Office Action in Paper No 19 is withdrawn as moot in view of Applicants' cancellation of all original claims.

New Rejections

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

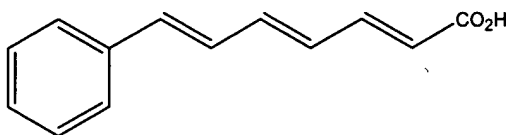
7. Claims 1-5, 7-8, 12, 22, 25-26, 80-87 and 89-90 are finally rejected under 35 U.S.C. 102(b) as being anticipated by Loev et al (US 4,621,099 11-1986). Loev discloses (Column 3, lines 7-64) the synthesis of the following compounds:



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These compounds correspond to instantly claimed formula (I) compounds with the following permitted variable group identities: A = aryl (alkyl and alkoxy-substituted); L = C₈ straight hydrocarbon chain with at least 1 double bond (also alkyl substituted where R above = Methyl); X¹, X² = O; Y¹, Y² = a bond. Loev further discloses (Column 5, lines 21-44) pharmaceutical compositions of these compounds. Claims 1-5, 7-8, 12, 22, 25-26, 80-87 and 89-90 are therefore anticipated by Love.

8. Claims 1-5, 7-8, 12-13, 16-17, 22, 25-26 and 81-101 are finally rejected under 35 U.S.C. 102(b) as being anticipated by Patel et al (Journal of Organic Chemistry, Palladium-catalyzed Arylation of Conjugated Dienes, 1978, 43(26), pages 5018-5020). Patel discloses (Page 5018, bottom, Table 1, 3rd entry) the compound :



This compound corresponds to the instantly claimed formula (I) compound with the following permitted variable group identities: A = aryl (unsubstituted); L = C₃₋₆ straight hydrocarbon chain with at least 1 double bond (*three* conjugated double bonds); X¹, X² = O; Y¹, Y² = a bond; Claims 1-5, 7-8, 12-13, 16-17, 22, 25-26 and 81-101 are therefore anticipated by Patel

Conclusion

9. Claims 1-5, 7-8, 12-13, 16-17, 22, 25-26 and 80-101 are pending. Claims 1-5, 7-8, 12-13, 16-17, 22, 25-26 and 80-101 are finally rejected.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

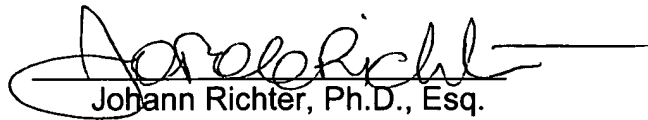
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul A. Zucker whose telephone number is 703-306-0512. The examiner can normally be reached on Monday-Friday 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Johann R. Richter can be reached on 703-308-4532. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1235.

Paul A. Zucker, Ph.D.
Patent Examiner
Technology Center 1600



Johann Richter, Ph.D., Esq.
Supervisory Patent Examiner
Technology Center 1600